

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

WILLIAM BELSER,
Plaintiff,

CV. 05-6044-PK

OPINION AND ORDER

v.

JOANNE B. BARNHART,
Commissioner, Social Security
Administration,
Defendant.

PAPAK, Magistrate Judge:

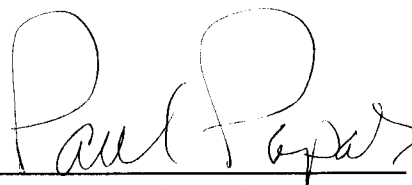
The court denies as moot plaintiff's motion to supplement the administrative record (#12) with one exception. Plaintiff's motion is based on the fact that certain documents received and considered by the ALJ were not included in the administrative record when filed. Subsequent to the filing of plaintiff's motion, defendant prepared a supplemental transcript (#17) that included those documents, except for one that was already a part of the record. As plaintiff acknowledges in his reply, all of the documents originally identified as missing from the administrative record

are present now as a result of defendant's filing of the supplemental transcript. The list of questions, two letters regarding plaintiff's condition written by Robert J. Fiske, P.A. dated May 14, 2002 and November 19, 2003, and four photographs of plaintiff's leg all can be found in either the administrative record or the supplemental transcript of the administrative record.

The court does note, however, that the photographs of plaintiff's leg provided by defendant in the supplement are black and white photocopies of originals and of very poor quality. The condition of plaintiff's leg is a material issue in this case and the color photocopies of color photographs provided in the motion to supplement the administrative record provide more detail and clarity as to this aspect of plaintiff's claim. For this reason, the court grants plaintiff's motion to supplement the administrative record as to the color photocopies attached to the motion at exhibits A/6 and A/7

IT IS SO ORDERED.

Dated this 21 day of November, 2005.



Honorable Paul Papak
U.S. Magistrate Judge